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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,401	09/28/1998	MITSUMASA SUGIYAMA	862.2471	7599

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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/161,401

Applicant(s)

SUGIYAMA, MITSUMASA

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1, 3-12, and 14-31 are presented for examination. Claims 1, 4-6, 12, 23, 26, 29, and 30 have been amended in this communication filed 02/04/02, entered as Amendment B, paper no. 12.
2. Applicants' Extension of Time and CPA filed 03/08/02 have been entered as paper no. 14.
3. Applicants' amendment to claims 1, 4, 5, 12, 23, 26, and 29 overcome the 35 U.S.C. 112 second paragraph and is hereby withdrawn.

Specification

4. The Specification is objected to because drawing fig. 1 (step 108), fig. 2 (step (11), fig. 6 (step S24), and fig. 8 (step S46) are not described or mentioned in Applicants' Specification. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claim 15 is objected to because of the following informalities: Claim 15, recites the limitation "contents thereof" in line 22, page 34. The limitation would be better recited as "contents." Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-12, and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salkewicz et al (US 5,970,502), hereafter Salkewicz in view of Woodhill et al (US 5,649,196), hereafter Woodhill.

With respect to claims 1, 12, 23, and 26, Salkewicz teaches, a first copying means for copying data selected from a first database to a second database (col. 2, lines 39-50); and a determination means for determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database (col. 4, lines 55-67).

Salkewicz did not teach, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database.

Woodhill discloses, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database (col. 2, lines 20-38, col. 9, lines 49-67 and col. 10, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second

database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to combine Salkewicz's a first copying means for copying data selected from a first database to a second database and a determination means for determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database with a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to modify in Salkewicz's because such a modification would allow Salkewicz to have a backup/restore system that is capable of operating on a networked computer system and capable of accommodating a large array of storage devices with the attribute item represented as regular data, attribute data, or a control list of data in a database.

With respect to claims 3, 10, and 14, Salkewicz and Woodhill did not teach,... copying the information of the attribute item does not correspond to any of the attribution items the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to ... copying the information of the attribute item does not correspond to any of the attribution items the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item and to modify in Salkewicz and Woodhill

because such a modification is well known in the art when copying information of an attribute from a first database to a second database if the databases contain different information the attributes will not match. For example, if one database contains US patents and the other database contains Japanese patents, the patent numbers and the dates (attribute items) will not correspond (mismatched) when copied from the US patents database to the Japanese patents database

With respect to claims 4 and 15, Salkewicz did not teach, the predetermined format indicates an attribute item name and contents. Woodhill discloses, the predetermined format indicates an attribute item name and contents (col. 3, lines 52-63 & fig. 3, steps 40, 44, 48, 50, 52, 54, & 57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the predetermined format indicate an attribute item name and contents and to modify in Salkewicz because such a modification would allow Salkewicz to have a file identification (contents), a record type, a file location, a file name (attribute item).

With respect to claim 5, Salkewicz did not teach, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information. Woodhill discloses, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information (col. 9, lines 36-67 and col. 10, lines 1-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... the second copying means detect attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents

indicated by the information and to modify in Salkewicz because such a modification would allow Salkewicz to have at least one copy of the contents that is stored and if a disaster should destroy an entire site not all of the copies of the site's data would be destroyed.

With respect to claims 6, 11, 17, and 22, Salkewicz teaches, ... holding conversion information indicating a correspondence between attribute items of the first and second databases and the determination means determines based on the conversion information indicating a correspondence between attribute items of the first and second databases (col. 7, lines 31-42) and wherein the determination means determines based on the conversion information if each of the attribute items of the attribute information appended to the data corresponds to each of the attribute items of the second database (col. 7, lines 43-49).

With respect to claims 7, 8, 18, 19, 24, 25, 27, and 28, Salkewicz teaches, the first copying means for copying data selected from a first database to a second database (col. 3, lines 52-63); ... determining if the attribute items of attribute information appended to the data can be set into the second database (col. 4, lines 60-67 and col. 5, lines 1-5); and information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases, recovering the attribute information on the basis of an attribute item name and contents thereof indicated by the information (col. 6, lines 8-60). Salkewicz did not teach, ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database. Woodhill discloses ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a

predetermined attribute item of the second database (col. 2, lines 20-38 and col. 9, lines 49-67 and col. 10, lines 1-13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database and to combine Salkewicz's the first copying means for copying data selected from a first database to a second database; ... determining if the attribute items of attribute information appended to the data can be set into the second database; and information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases, recovering the attribute information on the basis of an attribute item name and contents thereof indicated by the information with Woodhill's ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database because such a modification in Salkewicz would allow the information to be converted from the first database to the second database and each first database or primary database to have a corresponding mirror database for backup or archiving and recovering information when a computer system failure occurs.

With respect to claims 9 and 21, Salkewicz did not teach, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database. Woodhill discloses, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database (col. 1, lines 27-45). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database and to combine Salkewicz's first copying means for copying data selected from a first database to a second database with Woodhill's when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database and to modify in Salkewicz because such a modification in Salkewicz would allow Salkewicz to have a backup system that operates by making copies of a computer systems files on a special backup input/output device and the file name to be derived from the original file from the date/time of the backup operation.

With respect to claim 16, Salkewicz did not teach, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step. Woodhill discloses, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step (col. 10, lines 21-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to recover the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step and to combine Salkewicz's information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon

copying data from the backup database to one of the plurality of databases with Woodhill's recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step and to modify in Salkewicz because such a modification would allow Salkewicz to have the backup copy maintained in the storage file for ultimate storage to magnetic tape or other low cost storage media.

With respect to claim 20, this dependent claim is rejected for the similar rationale given for claims 1, 6, 12, 23, 26, and 29.

With respect to claims 29-31, Salkewicz and Woodhill did not teach a control program comprising a code for performing the steps of claims 1, 7, and 8 as recited in claims 29-31, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control program comprising a code because the central processing unit (CPU) performs the functions of reading and executing the program codes and a storage medium such as a CD ROM, a hard disk, a floppy disk, optical disk, and magnetic tape provides the program codes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zulch (US 5,966,730) disclosed a backup system and a computer storage medium.

Jones et al (US 5,684,984) disclosed synchronization, copying, file formats, and databases.

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Inquiries


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for Official communications, 703-746-7240 for Non-Official communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



E. Colbert
May 13, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER

